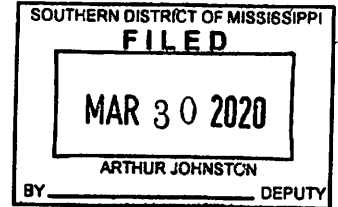


**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**



**JOSE JOAQUIN SANTANA, JR.,**

**Plaintiff,**

**v.**

**AARON'S, INC.,**

**Defendant.**

**Case No.: 1:19cv241 HSO-JCG**

**AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

Notice: The Plaintiff opted out of Aaron's Arbitration Agreement on March 1<sup>st</sup> 2017, *see* Exhibit A.

Request: Due to COVID-19 Coronavirus closures and social distancing, the Plaintiff respectfully requests of the Court immediate access to the Courts electronic filing system for any future document submission.

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 (Title VII) and The American with Disabilities Act (ADA). Plaintiff alleges the Defendant, Aaron's Inc., discriminated against the disabled, legally blind, Plaintiff, *see* Exhibits C & D p.1-2, by systematically targeting the Plaintiff for corrective actions, far beyond what other employees were held accountable to, leading to the termination of the Plaintiff on September 18<sup>th</sup> 2018. The Defendants corrective actions on the Plaintiff were used as pretexts for termination for disability. The Plaintiffs Regional Manager (RM), immediately preceding RM Jamie Lively, Sam Rhinehart, has given a statement pertaining to the Plaintiffs qualifications, exceptional work ethic, ability to do the expected job and customer service history while employed by the Defendant and under supervision of RM Sam Rhinehart for multiple years with the Defendant, *see* Exhibit E, as per ADA requirements.

## JURISDICTION

1. Under 28 U.S.C. Section 1331, cases arising under the United States Constitution or federal laws or treaties is a federal question case. This action is authorized and instituted of Title VII of the Civil Rights Act of 1964 ("Title VII") and pursuant of American with Disabilities Act ("ADA").

2. The employment practices alleged to be unlawful were committed within the jurisdiction the United States District Court for the Southern District of Mississippi.

## PARTIES

3. Plaintiff:

Jose Joaquin Santana Jr.  
348 Franks Drive  
Biloxi MS, 39531  
(228) 313-3101  
josejsantana@live.com

4. Defendant:

Aaron's Inc.  
400 Galleria Parkway SE, Suite 300  
Atlanta, Fulton County  
Georgia, 30339  
(678) 402-3000

## ADMINISTRATIVE PROCEDURES

5. Plaintiff called the Aaron's Cares Hotline on April 19<sup>th</sup> 2018 to submit discrimination concerns against his immediate supervisor, RM Jamie Lively, *see* Exhibit F.

6. After the Plaintiff's termination of employment by the Defendant, a case was filed with the Equal Employment Opportunity Commission (EEOC) on September 28, 2018 and the Plaintiff went to an appointment at the EEOC office in Mobile, AL on December 20, 2018, *see* Exhibit B p 2-10.

7. A Right to Sue Letter was granted by the EEOC on February 1<sup>st</sup>, 2019, during the U.S. Government shut down, under Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act or the Age Discrimination in Employment Act, *see* Exhibits B p1.

8. All conditions precedent to the institution of this lawsuit have been fulfilled.

### STATEMENT OF CLAIM

9. Since at least in or around January 2018, after Mississippi Department of Transportation regulations changed; bringing light to the Plaintiff's disability to the newer RM Jamie Lively, the Defendant engaged in unlawful employment practices in violation of the Civil Rights Act of 1964 and the Americans with Disabilities Act, by subjecting the Plaintiff to repeated corrective actions at a standard much higher than any other employee was held accountable to and the first corrective action was given for the Plaintiff's disability, of not seeing items left in a truck that the Plaintiff did not drive.

10. The unlawful employment practices include but are not limited to the following:

(a) RM Jamie Lively did target the Plaintiff for termination by writing the plaintiff up for every single customer compliant call and second hand allegation on the D'Iberville Aaron's store in an approximate nine month period, holding the Plaintiff to a much higher standard than any other Aaron's employee, as pretexts for termination for disability.

(b) RM Jamie Lively did retaliate against the Plaintiff by giving a Final Written Warning for termination during the investigation of the Aaron's Cares Hotline call, where Mr. Lively was accused of harassing and discriminating against the Plaintiff, that was being handled by the Defendants Senior Human Resources Manager Danielle Riecke, PHR, SHRM-CP, 19 days after the complaint was lodged by the Plaintiff.

(c) SHRM Danielle Riecke did retaliate against the Plaintiff by signing the Final Written Warning for termination during the investigation of the Aaron's Cares Hotline call that she was personally handling, 19 days after the complaint was lodged by the Plaintiff.

### RELIEF

Wherefore the Plaintiff respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, employees, attorneys and all persons in participation with it from engaging in discrimination or harassment on the basis of disability.
- B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for disabled employees.
- C. Order the Defendant to make the Plaintiff whole by providing compensation for past, present and future financial losses in the amount of \$1,020,000 or as a Jury deems appropriate and proper.
- D. Order the Defendant to make whole the Plaintiff by providing compensation for past, present and future non financial losses resulting from the unlawful practices complained of in paragraph 10 above; including, but not limited to, emotional pain & suffering, inconvenience, humiliation and loss of enjoyment of life in the amount of \$ 1,000,000 or as a Jury deems appropriate.
- E. Order the Defendant to pay the Plaintiff punitive damages for its discriminatory and retaliatory conduct as described above, in the amount of \$2,000,000 or as a Jury deems proper.
- F. Grant such further relief as the Court deems necessary and proper.
- G. Order the Defendant to reimburse the Plaintiff all incurred expenses of this action to be determined at trial.

### JURY TRIAL DEMAND

The Plaintiff request a jury trial, within appropriate timing during the current COVID-19 Coronavirus pandemic, on all questions of fact raised by the Plaintiff's Complaint.

Dated: March 30<sup>th</sup>, 2020



Jose Joaquin Santana Jr.  
348 Franks Drive  
Biloxi MS, 39531  
(228) 313-3101  
josejsantana@live.com

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**JOSE JOAQUIN SANTANA, JR,**

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**Case No.: 1:19cv241 HSO-JCG**

**CERTIFICATE OF SERVICE**

I, Jose Joaquin Santana, Jr, the Plaintiff, do hereby certify that I have this day filed the foregoing with the Clerk of the Court and have this day delivered a true and correct copy of the above and foregoing document, via electronic mail and/or U.S. mail, to the following:

Elizabeth B. Turner  
Georgia Bar # 558428  
William S. Fawcett  
3379 Peachtree Road, N.E., Suite 400  
Atlanta, GA 30326  
(404)909-8100  
[bturner@martensonlaw.com](mailto:bturner@martensonlaw.com)  
[bjawcett@martensonlaw.com](mailto:bjawcett@martensonlaw.com)

-and-

Mallory K. Bland  
Mississippi Bar no. 105665  
PHELPS DUNBAR LLP  
4270 1 55 N  
Jackson, MS 39211  
(601) 360-2300,  
(601) 360-9777 facsimile  
[mallory.bland@phelps.com](mailto:mallory.bland@phelps.com)

SO CERTIFIED, this is the 30<sup>th</sup> day of March, 2020.

By: Jose Joaquin Santana, Jr

